

A

## Adrian Lee

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**From:** Bryan Imai (LCA) [bryani@microsoft.com]  
**Sent:** Thursday, October 12, 2000 10:13 AM  
**To:** 'Adrian Lee'  
**Cc:** Jack Bradley (LCA)  
**Subject:** RE: 137868.1/14531.68 "Boot Signature Checker" (WebTV)

Adrian,

This is actually a WebTV case:

Robert M. Fries  
16530 NE 122nd  
Redmond, WA 98052  
US Citizen

Michael K. Fleming  
460 Monterey Blvd  
Unit 105  
San Francisco, CA  
94127

Michael has left the company, so listed above is just the last known address. Please go ahead and secure his signature. We have an alternate email address listed for him, which is "[mikef@praxis.etsi.net](mailto:mikef@praxis.etsi.net)", hopefully that will help in tracking him down.

Thanks,  
Bryan

-----Original Message-----

**From:** Adrian Lee [mailto:Alee@wnspat.com]  
**Sent:** Wednesday, October 11, 2000 2:21 PM  
**To:** Bryan Imai (LCA)  
**Cc:** Heather Lenihan (ANDERSON (LCA)); Patent Group Docketing Dept.  
**Subject:** RE: 137868.1/14531.68 "Boot Signature Checker" (WebTV)

Hi Bryan-

Could you forward inventorship information for Bob Fries and Michael Flemming at your convenience so we can forward formal documents to you. Thanks.

Adrian J. Lee  
Workman, Nydegger & Seeley  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111  
(801) 533-9800

-----Original Message-----

**From:** Adrian Lee  
**Sent:** Friday, October 06, 2000 12:25 PM  
**To:** 'Bryan Imai (LCA)'  
**Subject:** RE: 137868.1/14531.68 "Boot Signature Checker" (WebTV)

01/02/2001

A

Hello Bryan-

Could you forward inventorship information for Bob Fries and Michael Flemming at your convenience so we can forward formal documents to you. Thanks.

Adrian J. Lee  
Workman, Nydegger & Seeley  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111  
(801) 533-9800

-----Original Message-----

From: Bryan Imai (LCA) [<mailto:bryani@microsoft.com>]  
Sent: Monday, September 25, 2000 4:50 PM  
To: 'alee@wnspat.com'  
Cc: Jack Bradley (LCA)  
Subject: 137868.1/14531.68 "Boot Signature Checker" (WebTV)

Hi Adrian,

I've recently starting helping out the WebTV group, and I'm just writing to check on the '137868.1 - Boot Signature Checker' application. It appears that we were expecting a final draft with formals back on the 15th, but I'm not sure whether or not it was actually received on this end. A quick update on the current status of this one, along with a re-send of the final draft and formals if we just had a problem receiving, would be greatly appreciated.

Thanks,  
Bryan Imai  
Patent Group

01/02/2001

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City SALT LAKE CITY State UT ZIP 84111

2 Your Internal Billing Reference Information  
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3 To (please print and press hard)  
Recipient's Name Michael K. Fleming Phone ( )

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October 12, 2000

## VIA FEDERAL EXPRESS

Michael K. Fleming  
460 Monterey Blvd., Unit 105  
San Francisco, CA 94127

Re: United States Patent Application  
Title: SYSTEMS AND METHODS FOR DETECTING  
TAMPERING OF A COMPUTER SYSTEM BY  
CALCULATING A BOOT SIGNATURE  
Our File: 14531.68  
Your File: 137868.1

Dear Michael:

We are in the process of finalizing the above-identified patent application and we have enclosed for your review a copy of the patent application including the drawings. We have also enclosed an Assignment, and a Declaration, Power of Attorney, and Petition. Please review the application, with particular attention to technical accuracy and completeness. As you review the application, please bear in mind that the drawings and the detailed written specifications must be sufficiently complete so that one of ordinary skill in the art would be able to practice the claimed invention based on the disclosure. The written specifications must also include a description of what is presently understood to be the best mode for making and using the claimed inventions. Please feel free to call me if you would like to discuss these requirements in further detail prior to undertaking your technical review.

We are not aware that the subject matter of the application has been placed in public use or on sale wither in this or in any foreign country, but as a precautionary measure we take occasion to remind your that your review of the application should be finished in a timely manner so that we can obtain the earliest possible filing date, and that in any event the application should be on file if at all possible prior to any public disclosure of the technology which is the subject of this application. In this way we can

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provide the maximum opportunity for protection both domestically and abroad to the extent that Microsoft may choose to pursue any such protection. Please respond by October 26, 2000, so we can obtain the earliest possible filing date.

We also take occasion to remind you of the duty of candor. Pursuant to this duty, each inventor named in the application as well as those substantively involved in its preparation and prosecution are required to disclose to the U.S. Patent and Trademark Office ("USPTO") any material prior art of which they may be aware at any time throughout the pendency of the application. This does not mean that such persons must actively conduct a search of the art. Indeed, in this case we have not been authorized to conduct a prior art search and have not done so. However, apart from actively conducting a search, we are nonetheless required to disclose to the USPTO any such prior art references you may currently be aware of or may become aware of while the application is pending.

Once you have completed your review and no comments or corrections are necessary, please execute the Assignment and the Declaration, Power of Attorney, and Petition. After signing these documents and having the Assignment notarized, please drop them off at a Federal Express box using the enclosed Federal Express package. Again, if you have any questions, please feel free to contact me at the above telephone number.

Cordially,

WORKMAN, NYDEGGER & SEELEY



ADRIAN J. LEE

Enc:

AJL/llr'

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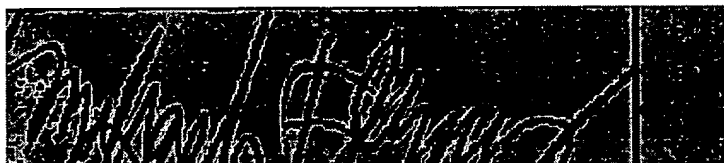
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**Adrian Lee**

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**From:** Adrian Lee  
**Sent:** Wednesday, November 29, 2000 12:16 PM  
**To:** 'mikef@praxis.etla.net'  
**Subject:** Patent Application Signatures

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Hello Michael-

We sent a final draft of a patent application that you are listed as an inventor on as well as signature documents. You signed for the Federal Express package on 13-Oct. Please let me know if you need another copy of the final draft or signature documents. We need your signatures on the signature documents as soon as possible. Thanks.

Adrian J. Lee  
Workman, Nydegger & Seeley  
1000 Eagle Gate Tower  
60 E. South Temple  
Salt Lake City, UT 84111  
(801) 533-9800

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WORKMAN NYDEGGER & SEELEY  
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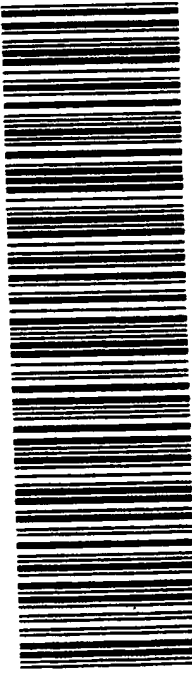
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GENERAL E-MAIL: [info@wnspat.com](mailto:info@wnspat.com)

December 8, 2000

## VIA FEDERAL EXPRESS

Michael K. Fleming  
460 Monterrey Blvd., Unit 105  
San Francisco, CA 94127

### URGENT: RETURN SIGNATURE REQUIRED

Re: United States Patent Application  
Title: "SYSTEM AND METHOD FOR CONTROLLING ACCESS TO  
BROADCAST SERVICES"  
Serial No.: 09/526,372  
Filed: March 16, 2000  
Our File: 14531.56.1

and

Re: United States Patent Application (not yet filed)  
Title: "SYSTEMS AND METHODS FOR DETECTING TAMPERING  
OF A COMPUTER SYSTEM BY CALCULATING A BOOT  
SIGNATURE"  
Our File: 14531.68

Dear Michael:

This letter is by way of follow-up to the voicemail message that I left with you earlier this afternoon. As you know, we serve as outside patent counsel for WebTV and Microsoft. You are currently identified as a co-inventor on two separate applications that our office is handling.

One of the applications was filed earlier this year. A copy of that application (entitled "SYSTEM AND METHOD FOR CONTROLLING ACCESS TO BROADCAST SERVICES")

Michael K. Fleming  
December 8, 2000  
Page 2

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is enclosed with this letter so that should you wish to review it again you may do so. When filed, the application was filed without the original signature documents and we are now reaching the deadline by which those documents must be submitted and filed in order to complete the application's filing. Accordingly, I am also enclosing with this letter an original Declaration for your review and signature as one of the named co-inventors, as well as an Assignment document which transfers title in the application to WebTV. **Please note that these original signature documents must be returned to us so that we can file them not later than December 26, 2000.** Accordingly, we would very much appreciate your attention to returning the Declaration and the Assignment to us by December 20 at the latest so that we will have adequate time in which to complete the filing. To facilitate matters, we are also enclosing a return Federal Express envelope so that all you need to do is simply execute the Declaration and the Assignment by dating and signing each of them at the indicated location and then simply placing them in the return Federal Express envelope and sending them off.

One of the attorneys in my firm, Adrian Lee, is also working on a second application that has not yet been filed. Our records indicate that Adrian sent to you on October 13 by Federal Express a copy of the application and also the signature documents for that case as well. Since that time we have not heard anything or received those signature documents back from you, so I am enclosing a new set of signature documents for that application as well with the hope that that will perhaps facilitate obtaining those needed signature documents for that application as well. Accordingly, you will also find new originals of both the Declaration and Assignment for the second application that has not yet been filed, and we ask that you please date, sign and return those to us at the same time you send back the signature documents for the case that is already on file.

Please feel free to call me if you have any question about any of the enclosed materials. **Once again, please note the urgency particularly in relation to receiving the signature documents for the case that is on file. The December 26 deadline is unextendable and if we are not able to receive the requested signature documents in time to file by that date, it may well result in an abandonment of the application. Thank you for your assistance.**

Very Truly Yours,

WORKMAN, NYDEGGER & SEELEY



RICK D. NYDEGGER

RDN:re  
Enclosures

G:\DATA\WPDOCSRN\WEBTV\LETTERS\1208 michael fleming 68.doc

## Adrian Lee

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**From:** Bryan Imai (LCA) [bryani@microsoft.com]  
**Sent:** Tuesday, January 02, 2001 3:46 PM  
**To:** 'alee@wnspat.com'  
**Cc:** 'nydegger@wnspat.com'; Jack Bradley (LCA)  
**Subject:** FW: mike fleming

Adrian and Rick,

I received the below from Bob Fries last week regarding the difficulties you have encountered with Mike Fleming, who is listed on several applications currently under the care of various attorneys at Workman, Nydegger & Seeley. Sorry for the delay in sending it along to you, I was out of the office for the holidays.

Thanks,  
Bryan Imai  
Patent Group

> -----Original Message-----

> From: Bob Fries  
> Sent: Thursday, December 28, 2000 10:49 PM  
> To: Bob Fries; Bryan Imai (LCA)  
> Subject: RE: mike fleming

>  
> I heard back from Mike. He doesn't approve of the current software patent system in the US and refuses to sign on moral grounds. Sorry about that  
> but I guess we know where we stand.

> -----Original Message-----

> From: Bob Fries  
> Sent: Thursday, December 14, 2000 1:47 PM  
> To: Bryan Imai (LCA)  
> Subject: mike fleming

>  
> I'll see if he will respond to my email. What do you do in cases where they don't respond.